

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NECA-IBEW PENSION TRUST FUND and :
DENIS MONTGOMERY, on behalf of :
Themselves and All Others Similarly Situated, :

Plaintiff, :

v. :

BANK OF AMERICA CORPORATION, :
KENNETH D. LEWIS, JOE L. PRICE, :
NEIL A. COTTY, WILLIAM BARNET, III, :
FRANK P. BRAMBLE, SR., JOHN T. :
COLLINS, GARY L. COUNTRYMAN, :
TOMMY R. FRANKS, CHARLES K. :
GIFFORD, W. STEVEN JONES, WALTER E. :
MASSEY, THOMAS J. MAY, PATRICIA E. :
MITCHELL, THOMAS M. RYAN, O. :
TEMPLE SLOAN, JR., MEREDITH R. :
SPANGLER, ROBERT L. TILLMAN, JACKIE :
M. WARD, BANC OF AMERICA :
SECURITIES LLC, CITIGROUP GLOBAL :
MARKETS INC., MERRILL LYNCH, PIERCE, :
FENNER & SMITH INCORPORATED, :
MORGAN STANLEY & CO. :
INCORPORATED, UBS SECURITIES LLC, :
WACHOVIA CAPITAL MARKETS, LLC, :
DEUTSCHE BANK SECURITIES, J.P. :
MORGAN SECURITIES INC., :

Defendants. :
----- X

Case No. 10-cv-00440 (LAK) (HBP)

ECF CASE

STIPULATION AND ~~PROPOSED~~
REVISION TO SCHEDULING
ORDER

WHEREAS, on November 3, 2010, this action was assigned to United States Magistrate Judge Henry B. Pitman for general pretrial matters and dispositive motions, [Dkt. No. 23];

WHEREAS, on November 24, 2010, this Court entered an Order approving the dates agreed upon by the parties for the filing of Lead Plaintiff's First Amended Complaint and briefing schedule for Defendants' motions to dismiss, [Dkt. No. 24];

WHEREAS, pursuant to that schedule, on January 14, 2010, Lead Plaintiff filed its First Amended Complaint and, on March 4, 2011, Defendants filed Motions to Dismiss the First Amended Complaint;

WHEREAS, under the Court's November 24, 2010 scheduling Order, Lead Plaintiff's opposition papers to Defendants' Motions to Dismiss are currently due April 22, 2011 and Defendants' reply papers are due May 20, 2011, [Dkt. No. 24];

WHEREAS, Lead Plaintiff sought Defendants' consent to a two week extension of its time to file opposition papers;

WHEREAS, Defendants consented to the two-extension on the condition that Defendants' reply papers be due on June 10, 2011;

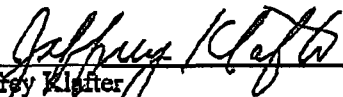
WHEREAS, the parties having met and conferred, have agreed, subject to the approval of the Court, to the following modification to the current briefing schedule; and

WHEREAS, no prior request has been made for an extension of the deadlines set by the November 14, 2010 scheduling order.

NOW, THEREFORE, it is hereby stipulated and agreed among the parties that:

1. Lead Plaintiff shall have to and including May 6, 2011 to file its papers in opposition to Defendants' Motions to Dismiss.
2. Defendants shall have to and including June 10, 2011 to file their reply papers in further support of their Motion to Dismiss.

Dated: April 18, 2010
New York, New York


Jeffrey Klapfer
KLAFTER, OLSEN & LESSER LLP
Two International Drive, Suite 350
Rye Brook, NY 10573
(914) 934-9200

Jeffery R. Krinsk (admitted *pro hac vice*)
Mark L. Knutson (admitted *pro hac vice*)
C. Michael Plavi II (admitted *pro hac vice*)
FINKELSTEIN & KRINSK LLP
501 West Broadway, Suite 1250
San Diego, CA 92101
(619) 238-1333

Attorneys for Lead Plaintiff

Bradley J. Butwin
(bbutwin@omm.com)
Jonathan Rosenberg
(rosenberg@omm.com)
William J. Sushon
(wsushon@omm.com)
O'MELVENY & MYERS LLP
7 Times Square
New York, New York 10036
(212) 326-2000

Attorneys For Defendants Bank of America Corporation, Kenneth D. Lewis, Joe L. Price, Neil A. Cotty, William Barnet, III, Frank P. Bramble, Sr., John T. Collins, Gary L. Countryman, Tommy R. Franks, Charles K. Gifford, W. Steven Jones, Walter E. Massey, Thomas J. May, Patricia E. Mitchell, Thomas M. Ryan, O. Temple Sloan, Jr., Meredith R. Spangler, Robert L. Tillman, Jackie M. Ward, Banc of America Securities LLC

Jay B. Kasner
(jay.kasner@skadden.com)
Scott D. Musoff
(scott.musoff@skadden.com)
SKADDEN, ARPS, SLATE,
MEAGHER & FLOM LLP
Four Times Square
New York, New York 10036
(212) 735-3000

Attorneys for Defendants Citigroup Global Markets Inc., Merrill Lynch, Pierce, Fenner & Smith Incorporated, Morgan Stanley & Co. Incorporated, UBS Securities LLC, Wachovia Capital Markets, LLC (n/k/a Wells Fargo Securities, LLC), Deutsche Bank Securities Inc., and J.P. Morgan Securities Inc.

Dated: April 18, 2010
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Jeffrey Klafter
KLAFTER, OLSEN & LESSER LLP
Two International Drive, Suite 350
Rye Brook, NY 10573
(914) 934-9200

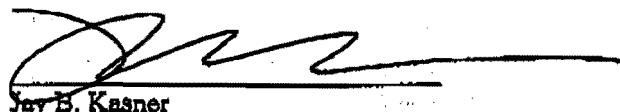
Jeffery R. Krinsk (admitted *pro hac vice*)
Mark L. Knutson (admitted *pro hac vice*)
C. Michael Plavi II (admitted *pro hac vice*)
FINKELSTEIN & KRINSK LLP
501 West Broadway, Suite 1250
San Diego, CA 92101
(619) 238-1333

Attorneys for Lead Plaintiff



Bradley J. Butwin
(bbutwin@omm.com)
Jonathan Rosenberg
(rosenberg@omm.com)
William J. Sushon
(wsushon@omm.com)
O'MELVENY & MYERS LLP
7 Times Square
New York, New York 10036
(212) 326-2000

Attorneys For Defendants Bank of America
Corporation, Kenneth D. Lewis, Joe L. Price,
Neil A. Cotty, William Barnet, III, Frank P.
Bramble, Sr., John T. Collins, Gary L.
Countryman, Tommy R. Franks, Charles K.
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Banc of America Securities LLC



Jay B. Kasner
(jay.kasner@skadden.com)
Scott D. Musoff
(scott.musoff@skadden.com)
SKADDEN, ARPS, SLATE,
MEAGHER & FLOM LLP
Four Times Square
New York, New York 10036
(212) 735-3000

Attorneys for Defendants Citigroup Global
Markets Inc., Merrill Lynch, Pierce, Fenner &
Smith Incorporated, Morgan Stanley & Co.
Incorporated, UBS Securities LLC, Wachovia
Capital Markets, LLC (n/k/a Wells Fargo
Securities, LLC), Deutsche Bank Securities
Inc., and J.P. Morgan Securities Inc.

SO ORDERED:



Henry B. Pitman

United States Magistrate Judge

4-20-11